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PP RUEHAG RUEHDF RUEHLZ RUEHPOD
DE RUEHMZ #0213 2251422
ZNR UUUUU ZZH
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FM AMCONSUL MUNICH
TO RUEHC/SECSTATE WASHDC PRIORITY 4886
RUEKJCS/SECDEF WASHDC
RUEHVEN/USMISSION USOSCE 0039
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC
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UNCLAS MUNICH 000213

SENSITIVE
SIPDIS

STATE FOR L/LEI - KPROPP, EUR/CE - PSCHROEDER, CHODGES, AWHITE
JUSTICE FOR OSI - EROSENBAUM, LMCKINNEY
HOMELAND SECURITY FOR ICE

E.O. 12958: N/A

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SUBJECT: MUNICH COURT CONVICTS FORMER NAZI (90) OF WAR CRIMES;
PRELUDE FOR DEMJANJUK TRIAL

¶1. (U) On August 11, a Munich court sentenced Josef Scheungraber, a 90-year-old former Nazi officer, to life in prison for his part in ordering the massacre of ten Italian men and women in 1944 in Falzano di Cortona. The prosecutor, Hans-Joachim Lutz, was the same Munich prosecutor who will lead the trial later this fall of John Demjanjuk, age 89. The court and jury found Scheungraber responsible for the massacre of innocent Italians after Italian partisans had killed two of Scheungraber's officers. "The act of revenge, directed exclusively at civilians, was driven by revenge, anger and hatred," the court said. The trial began last September after Scheungraber was declared fit to stand trial.

¶2. (U) Scheungraber's defense lawyer said his client was not involved in the massacre. He had already been convicted of the same crimes by an Italian military court in 2006 and sentenced in absentia to life in prison. The lawyer said he would appeal the decision at the Federal Court.

¶3. (SBU) Prosecutor Lutz told PolConsul on August 13 that he was "delighted at the result" in itself and also, looking ahead to the trial of John Demjanjuk, because the victory proved it was possible to prosecute successfully former Nazis of advanced age when the evidence was not iron clad and the crimes occurred over 60 years ago. Lutz will lead the case against Demjanjuk, 89, who is accused of being a guard at a Nazi death camp and who was extradited to Germany from the United States in May. His trial will probably begin in November. The cases have different factual backgrounds but are similar from the political point of view, Lutz said. "Failure with Scheungraber would have made the case against Demjanjuk much harder," Lutz observed.

¶4. (U) Consulate General Munich coordinated this report with Embassy Berlin.

TRIBBLE